



CITY OF DANBURY

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ZONING COMMISSION
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MINUTES JULY 12, 2005

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The meeting was called to order by Chairman Jack Knapp Jr. at 7:30 PM.

Present were Theresa Buzaid, Christine Cuhnick, Theodore Haddad Jr., Patrick Johnston, Donald Kennedy (arrived at 7:50 PM), Jack Knapp Jr., Dr. Joseph Mooney, Lenny Silva Jr. and Alternates Jean Anderson and Helen Hoffstaetter. Also present was Planning Director Dennis Elpern.

Absent were Richard P. Jowdy and Alternate Ted Farah. Chairman Knapp asked Mrs. Anderson to take Mr. Jowdy's place and Ms. Hoffstaetter to take Mr. Kennedy's place for the items on tonight's agenda. (Although Mr. Kennedy arrived at 7:50 PM, Ms. Hoffstaetter remained seated for him for the public hearing and the vote.)

Chairman Knapp led the Commission in the Pledge of Allegiance.

Ms. Hoffstaetter made a motion to accept the minutes of May 24, 2005. The motion was seconded by Mrs. Cuhnick and passed unanimously. Chairman Knapp noted that both June meetings were cancelled due to lack of business.

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PUBLIC HEARINGS:

7:30 PM - Petition of PSN Associates LLC d/b/a Mykonos Restaurant, 24 Rowan St. Ext. (#111035) for a Special Permit for Restaurant Liquor License.

Mrs. Cuhnick read the legal notice regarding this petition.

Steve Filappakos said he and his two brothers have owned this restaurant, which is located approximately fifty feet away from the subject property, for 24 years. He said the opportunity presented itself for them to buy this parcel and they thought it would be a better location and definitely have more parking. He said this site was previously used as a pool hall. He said Mykonos has always been a small family-run business and they have no plans to change that at this new location. He explained that they have had a full liquor license at their present location for 23 years, so they are familiar with the rules and responsibility that go along with the liquor license. He said he and his brothers all have families and would never sell liquor to minors as they would not want anyone to sell it to their children. He said all of the drinks would be from a service bar only; there would be no sit-down bar. That is how it is at their present location and they don't want to change

it. Commission members asked questions about the size of the new restaurant, if the menu would change, if the hours of operation would be different. Mr. Filippakos answered saying they have gotten site plan approval from the Planning Department, the new restaurant would be approximately 1,875 sq.ft. and have 90 seats. He explained that they are splitting the building into two units; the remaining area (1,680 sq.ft.) will be used as a flower shop. He said they have no plans to change the menu or the hours of operation. He also mentioned that because it is a family business, one of the three brothers is always there. There were no other questions from the Commission members.

Chairman Knapp asked Mr. Elpern for staff comments. Mr. Elpern referred the Commission to Section 3.F.2.a. of the Zoning Regulations which states the criteria they must consider in reviewing this type of petition. He also mentioned Section 3.F.2.c. which states the ratio of food sales versus beverage sales that must be maintained. He said a floor plan was submitted with the application and this is fine. He said the Planning Department has no problem with this petition.

Chairman Knapp asked if there was anyone to speak in opposition to this petition and there was no one.

Mrs. Cuhsnick made a motion to close the public hearing. Mr. Silva seconded the motion and it was passed unanimously by voice vote. Mrs. Cuhsnick then made a motion to move this matter to item one under the Old Business on tonight's agenda. Ms. Hoffstaetter seconded that motion and it was passed unanimously by voice vote.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

- 1) Petition of PSN Associates LLC d/b/a Mykonos Restaurant, 24 Rowan St. Ext. (#I11035) for a Special Permit for Restaurant Liquor License.

Chairman Knapp announced that since Mr. Kennedy arrived almost at the end of the public hearing, Ms. Hoffstaetter would still be seated for the vote on this petition. He then asked for comments and/or discussion on this matter. Mrs. Cuhsnick made a motion to approve this petition with the condition that all State permits are applied for. Mr. Silva seconded the motion. Chairman Knapp pointed out that the State permits are the next step once this approval is given. Mr. Haddad asked if they want to stipulate there be a service bar only. Mr. Johnston said the floor plan submitted with the petition does not show a sit-down bar so that is not a concern. Mrs. Buzaid asks what happens when some other restaurant moves into this space. Mr. Elpern said the new business will have to conform to the floor plan that was considered when the Special Permit was approved. They would have to come into the office to get the Zoning Enforcement Officer's signature on the State application, so it would be checked at that point. Mrs. Anderson asked if this is a full liquor license and Chairman Knapp said yes it is. She asked if what happens to the license at the old site. Chairman Knapp said the approval is granted for the location not the applicant, so it stays with the property. If no one takes it over within six months, the State considers it to be expired and the approval is no longer valid. Chairman Knapp

reminded Mrs. Cuhsnick that she needed to state her reasons for the motion. Mrs. Cuhsnick gave the following reasons:

- The proximity of such premises will not have a detrimental effect on any church, school, convent or charitable institution. Nor will it have a detrimental effect on the immediate neighborhood concerned, due consideration having been given to the character of the surrounding neighborhood.

Mr. Silva reiterated his second of the motion. Chairman Knapp did a roll call vote and the motion to approve this petition was passed unanimously with nine AYES (from Mrs. Buzaid, Mrs. Cuhsnick, Mr. Haddad, Mr. Johnston, Chairman Knapp, Dr. Mooney, Mr. Silva, Mrs. Anderson and Ms. Hoffstaetter.)

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Chairman Knapp read the Communications which consisted of ten Cease & Desist Orders and the For Reference Only which listed the public hearings scheduled for July 26, 2005 and August 23, 2005

At 8:30 PM Mrs. Cuhsnick made a motion to adjourn. The motion was seconded by Mr. Johnston and passed unanimously.